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UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

FILED
HARRISBURG

NOV 09 2000

M. ASH-SHARIEF AL'ASKARI,
Plaintiff

v.

KATHLEEN HAWKES, et al.,
Defendants

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Civil No. 1:CV-00-1449
(Judge Caldwell)
(Magistrate Judge Smyser)

MARY E. D'ANDREA, CLERK
Per 
DEPUTY CLERK

DEFENDANTS' MOTION TO DISMISS AND
FOR SUMMARY JUDGMENT

Defendants ask the Court to dismiss the complaint pursuant to Fed. R. Civ. P. 12(b) and to grant summary judgment in their favor pursuant to Fed. R. Civ. P. 56(b). A brief in support of this motion will be filed in accordance with M.D. Pa. Local Rule 7.5.

Counsel certifies that he has not obtained the concurrence of plaintiff pursuant to M.D. Pa. Local Rule 7.1 because plaintiff is a prisoner proceeding pro se.

Respectfully submitted,

DAVID M. BARASCH
United States Attorney



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Harrisburg, PA 17108

Dated: November 9, 2000

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

M. ASH-SHARIEF AL'ASKARI, :
Plaintiff :
v. : Civil No. 1:CV-00-1449
KATHLEEN HAWKES, et al., : (Judge Caldwell)
Defendants : (Magistrate Judge Smyser)

CERTIFICATE OF SERVICE BY MAIL

The undersigned hereby certifies that she is an employee in the Office of the United States Attorney for the Middle District of Pennsylvania and is a person of such age and discretion as to be competent to serve papers.


That on November 9, 2000, she served a copy of the attached

**DEFENDANTS' MOTION TO DISMISS AND
FOR SUMMARY JUDGMENT**

by placing said copy in a postpaid envelope addressed to the person hereinafter named, at the place and address stated below, which is the last known address, and by depositing said envelope and contents in the United States Mail at Harrisburg, Pennsylvania.

Addressee:

M. Ash-Sharief Al'Askari
Reg. No. 34819-066
FCI Allenwood
P.O. Box 2000
White Deer, PA 17887


SHELLEY L. GRANT
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